

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEVEN POLITO,

Plaintiff,

v.

SKAMANIA COUNTY et al.,

Defendants.

CASE NO. C15-5542 RBL

ORDER DENYING MOTION FOR  
TRO

DKT. #45

THIS MATTER is before the Court on Plaintiff Steven Polito's Motion for a Temporary Restraining Order against the Skamania County Police Department. [Dkt. #45]. This case involves an alleged dispute between Polito and his tenants, which resulted in the Skamania County Police arresting him in alleged concert with the Society of Jesus, Oregon Province. Polito alleges that three men, one dressed as a police officer, went to his house to entrap him or to improperly serve him. He asks the Court to restrain the Skamania County Police from coming within 100 feet of his house the pendency of this case.

The purpose of a TRO is to preserve the status quo and to prevent irreparable harm until a hearing on a preliminary injunction application can take place. *See Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers*, 415 U.S. 423 (1974); *see also Reno Air Racing*

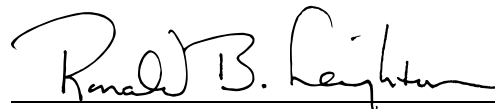
1 *Ass'n v. McCord*, 452 F.3d 1126, 1130-31 (9th Cir. 2006). To obtain a TRO or a preliminary  
2 injunction, the moving party must show: (1) a likelihood of success on the merits; (2) a  
3 likelihood of irreparable harm to the moving party in the absence of preliminary relief; (3) that a  
4 balance of equities tips in the favor of the moving party; and (4) that an injunction is in the  
5 public interest. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

6 Traditionally, injunctive relief was also appropriate under an alternative “sliding scale”  
7 test. *See The Lands Council v. McNair*, 537 F.3d 981, 987 (9th Cir. 2008). However, the Ninth  
8 Circuit overruled this standard in keeping with the Supreme Court’s decision in *Winter*. *See*  
9 *American Trucking Ass’ns Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009)  
10 (holding that “[t]o the extent that our cases have suggested a lesser standard, they are no longer  
11 controlling, or even viable”).

12 Polito cannot meet this standard. His Motion [Dkt. #45] is therefore DENIED.

13 IT IS SO ORDERED.

14 Dated this 12<sup>th</sup> day of February, 2016.

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17 Ronald B. Leighton  
18 United States District Judge  
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